

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DAVID ALLEN WOODRUFF,)
Plaintiff)
vs.) CAUSE NO. 3:05-CV-607 RM
GENE L. ISAACS, *et al.*,)
Defendants)

OPINION AND ORDER

While he was a prisoner confined at the Cass County Jail, David Woodruff submitted a complaint under 42 U.S.C. § 1983 alleging that jail officials violated his federally protected rights. Mr. Woodruff has now advised the court that he has been transferred to the Indiana Department of Correction.

The court reviewed the complaint pursuant to 28 U.S.C. § 1915A, and allowed Mr. Woodruff to proceed against several defendants for damages and for injunctive relief. After a complaint is filed, 28 U.S.C. § 1915(e)(2)(B)(ii) requires the court to *sua sponte* dismiss a prisoner suit at any time if the court determines that it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

Mr. Woodruff seeks injunctive relief requiring jail officials to provide him medical treatment. But if a prisoner is transferred to another facility, “his request for injunctive relief against officials of the first prison is moot unless ‘he can demonstrate that he is likely to be retransferred.’” Higgason v. Farley, 83 F.3d 807, 811 (7th Cir. 1996), quoting Moore v. Thieret, 862 F.2d 148, 150 (7th Cir. 1988).

For the foregoing reasons, the court DISMISSES the plaintiff's injunctive and declaratory relief claims pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). This case remains before the court on the plaintiff's damage claims against the defendants.

SO ORDERED.

ENTERED: December 9, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court